

FREEDOM OF INFORMATION ACT 2000 ("the Act")

Section 17

REFUSAL NOTICE

TO: Ventnor Blog

The Isle of Wight Council ("the Council") refuse your request for the following information held by the Council.

Copies of the ESOP for the Isle of Wight Festival

The reasons for the Council's decision are as follows:

In relation to the ESOP together with appendices:

All of the information you have requested is considered confidential information and is therefore exempt under section 41 of Part II of the Act.

In determining your request we have had regard to guidance issued by the Information Commissioner which specifies that information to be considered under this exemption must have been obtained by a third party and disclosure of the information would give rise to an actionable breach of confidence. The information was obtained from a third party and it is the council's belief that the release of this information would constitute a breach of confidentiality. The information was provided to the authority in circumstances where the third party could reasonably expect the information to be held confidentially. In respect of the committee meeting 17 May 2011 we note that conversation was held between all parties regarding whether this document should be made public. At that time it was agreed that the ESOP shall not be made publicly available. We acknowledge that the committee meeting was held in May 2011 and have considered the timing of your request being subsequent to the second festival after this date. However as this document is a living document to be used for future events we believe that the information contained in this document can still be considered confidential.

Confidential information may be disclosed where there is an overriding interest in doing so. We note that you make reference to the public interest in having access to the information and we acknowledge that there is public interest in disclosure. However the public interest test under this section provides that this duty should not be overridden lightly. Any grounds for breaching confidentiality must be valid and very strong. The Council has considered the public interest test, having had regard to the wider public

interest in preserving confidentiality and the impact the disclosure would have on the third party/ies. We are of the opinion that the public interest in maintaining the exemption outweighs the public interest in providing the information. Those parties that provide detailed sensitive information to satisfy the Council that their proposals are in compliance with relevant requirements need to be assured that confidential information will remain protected from the public eye.

In addition we believe that some of the information benefits from an exemption under **Section 38** of the Act which relates to Health and Safety. This relates to information concerning;

- Plans identifying the emergency access routes and sensitive areas
- Emergency procedures and evacuation
- The medical provision on both the campsite and main festival arena
- Risk assessments

Section 38 of the Act provides an exemption where disclosure would or would be likely to (a) endanger the physical or mental health of any individual, or, (b) endanger the safety of any individual.

In particular the Information Commissioner recognises that regard should be had to risks associated with the physical health safety and security of individuals. We consider that disclosure of the information relating to this exemption would endanger the health, safety and security of not only festival attendees but also local residents and visitors. Disclosure under the Act is considered disclosure to the world at large. We believe that if this information was to be put into the public domain the security operations for the festival could be prejudiced and individuals put at risk.

We note that this is a qualified exemption and we have considered the public interest test. Whilst we acknowledge that there is public interest in disclosure of this information to enable transparency in the Council's licensing function we consider that this detailed information relating to the security arrangements for the festival would be likely to endanger the physical health and safety of individuals. We therefore believe that the weight of public interest on this occasion supports withholding the information.

In addition we also believe that some information benefits from an exemption under **Section 40** the Act. This exemption relates to personal information. The information identified includes some personal information relating to third parties i.e. contact details and experience of named individuals. We do not have their consent to release this information and we therefore believe that disclosure would be in breach of the first principle of the Data Protection Act 1998.

Signed

Dated... 10 August 2012

NOTE

If you are not satisfied with the handling of this request, you have a right under section 50 of the Act, to apply to the Information Commissioner for a decision on whether the request has been dealt with in accordance with the Act. The Information Commissioner can be contacted at the following address: Information Commissioner's office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Or Web site : www.ico.gov.uk.